

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/026,370	ACHLER, ISAAC	
	<b>Examiner</b>	<b>Art Unit</b>	
	Belix M. Ortiz	2164	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/13/2004.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☒ The drawings filed on 5/6/2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

  
**CHARLES RONES**  
**PRIMARY EXAMINER**

**DETAILED ACTION**

**Remarks**

1. In response to communications files on October 13, 2004, the specification of the disclosure, claims 1 and 4 are amended per applicant's request and claims 5-29 are added. Therefore, claims 1-29 are presently pending in the application.

***Reasons for Allowance***

2. Claims 1-29 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter: the prior arts of records, neither anticipates nor renders obvious the following limitations as claimed:

As to claim 1, the prior art of records fail to anticipate or suggest a data optimization engine disposed inline with a first communication channel and a second communication channel, comprising:

a transmit interface circuit configured to receive a first data stream from the first communication channel and to obtain first data from the first data stream; and

an optimization processor coupled to the transmit interface circuit for receiving second data from the transmit interface circuit, the second data representing the first data after the first data has been processed by the transmit interface circuit into

a format suitable for optimization by the optimization processor, the optimization processor being configured to ascertain whether the second data is compressible and whether the second data is a candidate for encryption the optimization processor being configured to perform in the alternative one of four actions with respect to the second data. a first action of the four actions involving compressing the second data to form compressed data and encrypting the compressed data if the second data is ascertained to be both compressible and the candidate for encryption, a second action of the four actions involving compressing the second data without encrypting the second data if the second data is ascertained to be compressible but not the candidate for encryption a third action of the four actions involving encrypting the second data without compressing the second data if the second data is ascertained to be not compressible but is ascertained to be the candidate for encryption. a fourth action of the four actions involving neither encrypting nor compressing the second data if the second data is ascertained to be not compressible and not the candidate for encryption, together with the other limitations of the independent claims.

As to claims 20, the prior art of records fail to anticipate or suggest a data optimization engine disposed inline with a first communication channel and a second communication channel, comprising:

an optimization processor configured to ascertain whether first data received via the first communication channel is compressible and whether the first data is a candidate for encryption, the optimization processor being configured to perform in the alternative

one of four actions with respect to the first data, a first action of the four actions involving compressing the first data to form compressed data and encrypting the compressed data if the first data is ascertained to be both compressible and the candidate for encryption, a second action of the four actions involving compressing the first data without encrypting the first data if the first data is ascertained to be compressible but not the candidate for encryption, a third action of the four actions involving encrypting the first data without compressing the first data if the first data is ascertained to be not compressible but is ascertained to be the candidate for encryption, a fourth action of the four actions involving neither encrypting nor compressing the first data if the first data is ascertained to be not compressible and not the candidate for encryption, together with the other limitations of the independent claims.

As to claims 25, the prior art of records fail to anticipate or suggest a method for performing inline optimization of data using a data optimization engine disposed inline with a first communication channel and a second communication channel, comprising;

ascertaining whether first data received via the first communication channel is compressible;

ascertaining whether the first data is a candidate for encryption; and

performing, using the optimization processor, in the alternative one of four actions with respect to the first data, a first action of the four actions involving compressing the first data to form compressed data and encrypting the compressed data if the first data is ascertained to be both compressible and the candidate for encryption, a

second action of the four actions involving compressing the first data without encrypting the first data if the first data is ascertained to be compressible but not the candidate for encryption, a third action of the four actions involving encrypting the first data without compressing the first data if the first data is ascertained to be not compressible but is ascertained to be the candidate for encryption, a fourth action of the four actions involving neither encrypting nor compressing the first data if the first data is ascertained to be not compressible and not the candidate for encryption, together with the other limitations of the independent claims.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on moday-friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2164

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bmo

February 2, 2005.

  
**CHARLES RONES**  
**PRIMARY EXAMINER**